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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,064	09/16/2003	Zaki A. Kahn	059121.00006	2049

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ELEY LAW FIRM CO.
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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,064

Applicant(s)

KAHN ET AL.

Examiner

Joseph F. Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-15 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,742,841 B1 to Soditch et al.

Soditch et al. disclose a seat that includes all the limitations recited in claims 1 and 2. Soditch et al. show a seat having a seat cushion 12 (see Fig. 1) with a forward, rearward, top, and bottom portions and a first frame 30 (see Fig. 1), a forward support leg 46 pivotally coupled to the bottom portion of the seat cushion proximate the forward portion and adapted to contact a vehicle floor 6 when the seat cushion is horizontal, an anchor member 26 having a single seat cushion pivot coupled between the seat cushion a structural portion of the vehicle floor such that the seat cushion is pivotable about the rearward portion, a seatback 14 with upper and lower portions and a second frame (see column 3, line 35), and a moveable headrest coupled to the upper portion of the seatback (see column 3, lines 42-45) wherein the second frame of the seatback is pivotably coupled to the anchor member proximate the lower portion of the seat back

(see column 3, lines 23-25), the forward support leg automatically folds into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upwardly (see column 5, lines 15-24) and automatically unfolds into an extended position perpendicular to the seat cushion when the seat cushion is pivoted downwardly (see column 5, lines 37-49), the seat cushion is upwardly pivotable to a vertical position proximate and facially adjacent the seat back,

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soditch et al. in view of U.S. Patent No. 5,826,942 to Sutton et al.

Soditch et al. disclose a seat that is basically the same as that recited in claims 3, 4, and 10-15 except that the seatback lacks a horizontal position and the headrest lacks a pivotably coupling to the seatback and a third latch, as recited in the claims. See column 4, lines 45-53 of Soditch et al. for the teaching that the seat cushion provides a visual indication when not in a retained position. Sutton et al. show a seat similar to that of Soditch et al. wherein the seat has a seat cushion 14 (see Fig. 1), a seatback 16 pivotable to a horizontal position, a headrest 24 pivotably coupled to the seatback, a latch 88 (see Fig. 3) that may be actuated by lever 90 to releasably retain the headrest

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in a first extended position or a second stowed position, the headrest is biased to a stowed position via gravity and the spring 92 biasing the latch member 84 against flange 64 upon actuation, and the headrest is linked to the seatback via linkage such that the headrest advances toward a stowed position as the seatback is downwardly pivoted and the headrest advances toward an extended position as the seatback is upwardly pivoted. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Soditch et al. such that the seatback is downwardly pivotable to a horizontal position proximate and facially adjacent the seat cushion, the headrest is pivotably coupled to the seatback, a latch of the headrest that may be actuated by a lever to releasably retain the headrest in a first extended position aligned with the seatback or a second stowed position perpendicular to the seatback, the headrest is biased toward the stowed position, and the headrest is linked to the seatback such that the headrest advances toward a stowed position as the seatback is downwardly pivoted and the headrest advances toward an extended position as the seatback is upwardly pivoted wherein a passenger would be deterred from utilizing the seat when the headrest is not in the extended position, and the seatback and headrest provide a visual indication when not in a retained position by virtue of the seatback being horizontally disposed and the headrest being rotated to the stowed position, such as the seat disclosed in Sutton et al. One would have been motivated to make such a modification in view of the suggestion in Sutton et al. that the horizontal seatback provides a stored position, that the headrest configuration provides an independently adjustable headrest that is controllably adjustable between an upright

use position and a flat stowed position for facilitating the folding of the seatback, and that the headrest and seatback being linked provides releasing the seatback to move to the stored position upon movement of the headrest's latch.

5. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soditch et al. in view of U.S. Patent No. 5,707,103 to Balk, and claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soditch in view of Sutton et al. as applied to claims 3, 4, and 10-15 above, and further in view of Balk.

Soditch et al. disclose a seat that is basically the same as that recited in claims 6-9 and 20 except that the seat cushion lacks a first lever to release a first latch and the seatback lacks a second lever to release a second latch, as recited in the claims. See column 4, lines 41-42 of Soditch et al. for the teaching that the detent 48 may include a latch, and columns 4 and 5 for the teaching the seat cushion is releasably retained either in a horizontal position or a vertical position. Balk shows a seat similar to that of Soditch et al. wherein the seat has a seat cushion 12 (see Fig. 1), a first latch 20 to releasably retain the seat cushion, a first lever 60 that may be actuated to release the latch when the seat cushion is pivoted, a seatback 14 releasably retained, a second latch (see column 3, lines 52-62), and a second lever 62 actuating the second latch. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Soditch et al. such the seat cushion is releasably retained in at least one position by a first latch and the first latch may be actuated by a first lever to release the latch when the seat cushion is to be pivoted, and the seatback is releasably retained in at least one position by a second latch and a

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second lever actuates the second latch when the seatback is to be pivoted, such as the seat disclosed by Balk. One would have been motivated to make such a modification in view of the suggestion in Balk that the lever of the seat cushion's latch and the seatback's latch configuration are well known in the art as a way to releasably retain seat cushions and seatbacks.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 6-15, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JE
November 12, 2006


Peter M. Cuomo
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